



**The Comptroller General  
of the United States**

Washington, D.C. 20548

## Decision

**Matter of:** Hans Olsen Egg Co., Inc.  
**File:** B-235085  
**Date:** July 24, 1989

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### DIGEST

Protester's bid was properly rejected as late where bid was delivered by commercial carrier to the agency installation's central receiving facility rather than to the office designated in the solicitation for receipt, and the envelope was not properly addressed.

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### DECISION

Hans Olsen Egg Co., Inc., protests the rejection of its low bid under invitation for bids (IFB) No. DLA13H-89-B-8340, issued by the Defense Personnel Support Center (DPSC) of the Defense Logistics Agency (DLA). The bid was rejected because it was not received by the purchasing agent until one-half hour after bid opening.

We deny the protest.

The IFB required that all bids be received at the bid opening office by March 23, 1989, at 2 p.m. The solicitation advised bidders to deliver hand-carried bids to the offer depository any box at the indicated place of bid opening. The solicitation also directed bidders to mark the bid envelope with the solicitation number and the time and date specified for bid opening. Olsen's bid was delivered by Federal Express, a commercial carrier, to the installation's central receiving facility, rather than to the office designated in the IFB, at 8:30 a.m., on the day of bid opening. The envelope did not indicate that it contained a bid or must be delivered by a certain time. It was also incorrectly addressed to the purchasing agent personally rather than to the bid depository. Because the mailroom personnel were not aware of the need for immediate delivery, they used standard distribution procedures and DLA estimates that the envelope arrived in the mailroom at the Directorate of Subsistence sometime between 10:30 a.m. and 2:30 p.m.

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An Olsen employee telephoned the purchasing agent's office at 1:57 p.m. (three minutes prior to bid opening), to confirm receipt of the firm's bid. The purchasing agent checked the log book, determined that Olsen's bid was not logged in, so advised the employee, and proceeded to the bid opening room. Olsen's bid was not among those which had been delivered to the bid opening room. After bid opening, at approximately 2:20 p.m., the purchasing agent received a telephone message from Olsen that the bid had been delivered to the central mailroom. The purchasing agent returned to her Office at around 2:30 p.m., and during a subsequent pick-up of accumulated mail from the Subsistence mailroom, the Olsen bid was discovered in its unmarked envelope. The bid was rejected as late.

A bid delivered to an agency by a commercial carrier is considered to be hand-carried and is late when it does not arrive timely at the location designated in the solicitation. Nanco Labs, Inc., B-220663 et al., Nov. 27, 1985, 85-2 CPD ¶ 613. Such a bid may be considered only when some improper government action is shown to be the sole or paramount cause for the lateness. However, a late bid may not be considered where the bidder's failure to insure timely delivery at the designated place for receipt by the proper time is the cause of the late receipt. See Rodale Electronics Corp., B-221727, Apr. 7, 1986, 86-1 CPD ¶ 342. Here, the protester used the wrong delivery address, labeled the bid envelope improperly, and failed to identify the package as a bid or indicate a receipt deadline. This all contributed to the late delivery of the bid to the purchasing office; accordingly, the bid was properly rejected as late. Eagle International, Inc., B-229922, Mar. 1, 1988, 88-1 CPD ¶ 214.

Olsen also asserts that acceptance of its low bid would provide cost savings to the government. However, maintaining confidence in the competitive system by the uniform application of the late bid rules is of greater importance than the possible advantage to be gained by considering a late bid in a single procurement. Silvics, Inc., B-225299, Feb. 24, 1987, 87-1 CPD ¶ 204.

The protest is denied.



James F. Hinchman  
General Counsel